

**BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA**

**In the Matter of:**

**NICOLE V.,**

**Claimant,**

**Vs.**

**EASTERN LOS ANGELES REGIONAL  
CENTER,**

**Service Agency.**

**OAH No. 2006010907**

**DECISION**

This matter was heard by Humberto Flores, Administrative Law Judge with the Office of Administrative Hearings on March 23, 2006, in Alhambra, California.

Nicole V. (claimant) did not appear at the hearing but was represented by her father, Victor V., and her mother, Karina V. Margarita Duran, L.C.S.W., Supervisor, Eastern Los Angeles County Regional Center (ELARC) represented ELARC.

The documentary evidence received at hearing was reviewed on March 27, 2006, and the matter was deemed submitted on that date. The Administrative Law Judge makes the following findings, legal conclusions and order.

**ISSUE**

Should ELARC reimburse claimant's parents for expenditures for a parent training program known as Relationship Development Intervention?<sup>1</sup>

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<sup>1</sup> According the program introductory guide (exhibit C-16), Relationship Development Intervention "is a parent based clinical treatment program whereby parents are provided the tools to effectively teach relationship intelligence skills and motivation to their child."

## **FACTUAL FINDINGS**

1. Claimant is a five year-old girl who qualifies for regional center services based on a diagnosis of autism.

2. Claimant is developmentally delayed with deficits in communication and social interactions skills. Specifically, claimant displays language deficits, and does not develop appropriate relationship with peers. Her latest Individualized Education Program (IEP) report notes that she does not interact with other children and exhibits little interest in toys and games. The March 23, 2005 progress report prepared by the Center for Autism and Related Disorders (CARD) notes that claimant also engages in non-functional rituals, non-compliance, tantrums and pica (the persistent eating of non-nutritive substances such as crayons, sand, dirt, etc.).

3. Claimant has been receiving behavior intervention services from CARD since September 2004. Claimant receives home intervention services funded by the Los Angeles Unified School District (LAUSD) and ELARC, which includes 15 hours per week of Applied Behavior Analysis (ABA) methods, with a one-to-one aid trained in ABA.

4. Behavior intervention services have helped claimant reduce maladaptive behaviors. For example, according to the Annual Review from CARD (exhibit C-5), claimant's non-compliant behavior has been reduced from 26 times per hour to 5-12 times per hour. Further, claimant engages in pica 8-10 times per hour, which is down from 25 times per hour.

5. The CARD Annual Review also notes that claimant "continues to make improvement in all areas of learning, as well as showing a decrease in occurrence of maladaptive behaviors. Nicole has made many gains since the onset of therapy. She has learned to respond to full sentences of up to 5-6 words rather than a one word response. Nicole has also improved in her ability to make requests and mand (sic) for desired items using complete sentences . . . In addition, Nicole has learned and continues to make progress on her ability to play appropriately independently. She completes play stations to occupy her time appropriately, which in turn has decreased the frequency of pica." The Annual Review cautions, however, that despite these improvements, claimant continued to display maladaptive behavior that impeded her learning, and interfered with her ability to acquire new skills.

6. The December 31, 2005 progress report from CARD noted that claimant's goals to reduce non-compliance were met. Her tantrums were reduced to less than one time per hour, while her aggressive behavior "decreased remarkably." Finally, claimant's pica occurrences have decreased to an average of two times per hour.

7. In 2005, claimant's parents learned of a four-day training program for parents with autistic children, known as Relationship Development Intervention (RDI). Claimant's parents requested partial funding for this program by letter dated December 21, 2005.

8. On January 11, 2006, ELARC issued a Notice of Proposed Action denying the request for funding for RDI training because ELARC deemed that RDI was an experimental program. Further, ELARC noted that the entity that provides the training is not certified or vendored to provide RDI in California.

9. Claimant's parents participated in the RDI training program and are now asking for reimbursement for the cost of the program. Claimant's father asserts that he and claimant's mother have applied this training at home during certain activities, with positive results.

10. According to claimant's father, RDI is a step-by-step program that focuses on building motivations so that skills that are taught to autistic children will be generalized and used outside the home environment. Claimant submitted an article from the Journal of Autism and Development Disorders, which outlines the results of an initial study of RDI. The study compared a group of 17 families that completed the RDI requirements for group inclusion and 12 families that pursued other behavioral intervention during the period of the study. Each family had a child with a previous diagnosis of Autism, Asperger's Syndrome, or Pervasive Development Disorder – Not Otherwise Specified (PDD-NOS).

11. The above referenced article notes a number of caveats associated with the RDI study. The article reports that there were differences in the initial diagnoses for children in the groups. The RDI group had a greater percentage of children diagnosed with Asperger's Syndrome than the non-RDI group, and the non-RDI group had a much greater percentage of children diagnosed with PDD-NOS. There were other limitations in the study that would preclude definitive conclusions. These limitations are set forth in the study itself (exhibit C-15). Further, there were a variety of measures that were used to evaluate the cognitive functioning of the children in the groups, which made a valid comparison of the two groups impossible. Finally, there was no expert testimony from anyone who might be familiar with the study. As a result, there are many issues relating to the study that were not addressed, such as the specific procedures that were followed, the level of cognitive functioning of each child in the respective groups, the level of participation of the families, etc.

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## **DISCUSSION**

Welfare and Institutions Code section 4512, subdivision (b) of the Lanterman Developmental Disabilities Services Act states in part:

“‘Services and supports for person with developmental disabilities’ means specialized service and supports or special adaptations of generic services and support directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with a developmental disability, or toward the achievement and maintenance of independent, productive, normal lives. . . .”

The services to be provided to any consumer must be individually suited to meet the unique needs of the individual client in question. Within the bounds of the law, each client’s particular needs must be met, taking into account the needs and preferences of the individual and the family. This requires an active participation by the consumer and her legal guardians. (See Welf. & Inst. Code § 4646)

Welf. & Inst. Code § 4648, subs. (a)(1) and (a)(6) direct that regional centers shall secure needed services and supports that meet the needs of the consumer as determined in the consumer’s Individual Program Plan (IPP). When selecting a provider of consumer services and supports, a regional center must consider a provider’s ability to deliver a service that can accomplish a goal or goals of the consumer’s IPP, and the provider’s success in achieving said goals. Further, Welfare and Institutions Code section 4501, expresses the Legislature’s finding that the mere existence or delivery of services and supports is not, by itself, sufficient evidence of a program’s effectiveness. In this case, the RDI has not been tested sufficiently to draw any conclusions regarding the effectiveness of this behavior intervention model. Indeed, Stephen A. Gutstein, Ph.D., who developed this intervention model, admits the limitations of his study in his article published in the Journal of Autism and Development Disorders. In contrast, the progress reports submitted in evidence all attest that ABA behavior intervention has been effective in meeting claimant’s IPP goals.

## **LEGAL CONCLUSIONS**

Cause exists to affirm the decision of the Eastern Los Angeles Regional Center denying funding for claimant for reimbursement of expenditures for RDI training. This behavior intervention model remains in the experimental stages of development and has not been sufficiently studied or tested to determine its effectiveness. This decision is based on the facts set forth in findings 1 through 11, the application of Welfare and Institutions Code sections 4501, 4512, 4646 and 4648 to the facts of this case, and the Discussion section of this Decision.

## **ORDER**

The decision of the Eastern Los Angeles Regional Center denying funding to reimburse claimant's parents for expenditures for RDI training is affirmed. The appeal by Claimant Nicole V. is denied.

DATED: April 10, 2006

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HUMBERTO FLORES  
Administrative Law Judge  
Office of Administrative Hearings

## **NOTICE**

**This is the final administrative decision. Both parties are bound by this decision. Either party may appeal this decision to a court of competent jurisdiction within 90 days.**